

UNITED STATES DISTRICT COURT

May 4, 2024

Nathan Ochsner, Clerk of Court

for the

Southern District of Texas

United States of America

v.

Eliel Abisai ZUNIGA-Alvarez  
YOB: 1993 COB: Mexico

Case No. 7:24-mj-00740-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2024 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922(g)(5)(A)

It is illegal for any person, namely an illegal alien who is unlawfully in the United States to illegally possess a firearm and ammunition that has previously traveled in and affected interstate commerce.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by AUSA Roberto Lopez

/s/ Brenda V. Leal

Complainant's signature

Brenda V. Leal/ATF Special Agent

Printed name and title

☒ Sworn to telephonically and signed electronically  
per Fed.R.Cr.4.1

Date: 05/04/24 at 7:49 p.m.

City and state: McAllen, Texas

Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

## ATTACHMENT A

This affidavit is in support of the criminal complaint charging Eliel Abisai ZUNIGA-Alvarez (hereinafter referred to as "ZUNIGA-Alvarez"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that ZUNIGA-Alvarez has violated Title 18 U.S.C. 922(g)(5)(A) which provides as follows: It should be unlawful for any person who, being an alien is illegally or unlawfully in the United States who illegally possessed a firearm and or ammunition that had previously traveled in and affected interstate commerce.

Further, the Affiant states as follows:

On May 3, 2024, ATF Agents were conducting surveillance at a residence located in Edinburg, TX. Upon contact with ZUNIGA-Alvarez, agents identified themselves as ZUNIGA-Alvarez was moving ammunition cardboard boxes from a white Ford F350 to a white box truck located within the property.

During a post-Miranda interview, ZUNIGA-Alvarez provided verbal and written consent to search the property and curtilage. ZUNIGA-Alvarez advised agents (2) firearms boxes were located in ZUNIGA-ALVAREZ' master bedroom. As a result of the consensual search, agents found a Glock, model: 43X, 9mm caliber pistol, SN: BWLB330 in ZUNIGA-Alvarez' residence, to be specific, in the master bedroom.

ZUNIGA-Alvarez admitted he was currently in the United States illegally.

A records check confirmed ZUNIGA-Alvarez did not have status to be in the United States.

Your affiant spoke with ATF Special Agent Eduardo Ramirez, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. SA Ramirez conducted a preliminary examination of the aforementioned firearm and determined that the Glock, model: 43X, 9mm caliber pistol, SN: BWLB330 was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate or foreign commerce at some point prior to being possessed by any person in the State of Texas.

Based on the above information, ZUNIGA-Alvarez was in possession of the aforementioned Glock pistol in violation of Title 18, United States Code, Section 922(g)(5)(A).